

ASSEMBLY BILL

No. 1413

Introduced by Assembly Member Shelley

February 26, 1999

An act to add Section 5408.7 to the Business and Professions Code, relating to outdoor advertising.

LEGISLATIVE COUNSEL'S DIGEST

AB 1413, as introduced, Shelley. Highways: outdoor advertising.

The Outdoor Advertising Act regulates the placement of advertising adjacent to and within specified distances of highways that are part of the national system of interstate and defense highways and federal aid highways including prohibiting the placement of advertising displays adjacent to, or within specified distances of, those highways without a permit, as prescribed.

This bill would exempt from that prohibition advertising displays located in the City and County of San Francisco on street furniture, as defined, if the advertising display meets specified conditions. The bill would include a related statement of legislative intent.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5408.7 is added to the Business
2 and Professions Code, to read:

1 5408.7. (a) It is the intent of the Legislature that this
2 section shall not serve as a precedent for other changes
3 to the law regarding outdoor advertising displays on, or
4 adjacent to, highways. The Legislature recognizes that
5 the streets in the City and County of San Francisco that
6 are designated as state or federal highways are unique in
7 that they are also streets with street lights, sidewalks, and
8 many of the other features of busy urban streets. At the
9 same time, these streets double as a way, and often the
10 only way, for people to move through the city and county
11 from one boundary to another. The Legislature
12 recognizes the particular topography of the City and
13 County of San Francisco, the popularity of the area as a
14 tourist destination, the high level of foot traffic, and the
15 unique design of its highways.

16 (b) For purposes of this section, “street furniture” is
17 any kiosk, trash receptacle, bench, public toilet, news
18 rack, or public telephone placed on, or adjacent to, a
19 street designated as a state or federal highway.

20 (c) In addition to the advertising displays permitted
21 by Sections 5405, 5408, and 5408.5, advertising displays
22 located on street furniture may be placed on, or adjacent
23 to, any street designated as a state or federal highway
24 within the jurisdiction of a city and county, subject to all
25 of the following conditions:

26 (1) The advertising display meets the traffic safety
27 standards of the city and county. These standards may
28 include provisions requiring a finding and certification by
29 an appropriate official of the city and county that the
30 proposed advertising display does not constitute a hazard
31 to traffic.

32 (2) Any advertising display that is within 660 feet of,
33 and visible from, any street designated as a state or federal
34 highway shall be consistent with federal law and
35 regulations.

36 (3) Advertising displays on street furniture shall be
37 placed in accordance with a permit or agreement with
38 the city and county.

39 (4) Advertising displays on street furniture shall not
40 extend beyond the exterior limits of the street furniture.

1 (d) Advertising displays placed on street furniture
2 pursuant to a permit or agreement with the city and
3 county shall not be subject to the state permit
4 requirements of Article 6 (commencing with Section
5 5350). This subdivision does not affect the authority of the
6 state to enforce compliance with federal law and
7 regulations, as required by paragraph (2) of subdivision
8 (c).

9 SEC. 2. The Legislature finds and declares that a
10 special statute is necessary and that a general statute
11 cannot be made applicable, within the meaning of
12 Section 16 of Article IV of the California Constitution,
13 because of the unique circumstances in the City and
14 County of San Francisco, including the city and county's
15 particular topography, the area's popularity as a tourist
16 destination, and the unique design of the city and
17 county's highways.

